

## Message Text

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43

ACTION IO-14

INFO OCT-01 ADP-00 CIAE-00 DODE-00 PM-07 H-02 INR-10 L-03

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TRSE-00 INT-08 RSR-01 /173 W  
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R 091425Z JUL 73

FM USMISSION GENEVA  
TO SECSTATE WASHDC 286

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E.O. 11652: N/A

TAGS: PBOR, UN

SUBJECT: SCII WG SESSION 6 JULY

SUMMARY: 14TH SESSION WORKING GROUP (WG) OF THE WHOLE OF SCII MET MORNING 6 JULY AND HEARD INFORMAL DEBATE ON ARTICLES 6 AND 7 CONTINENTAL SHELF AND ECONOMIC ZONE). SELECTED COASTAL STATES WILL ATTEMPT JOINT DRAFT. DEBATE CENTERED ON PROVISIONS IN OAU ADDIS ABABA (AA) RESOLUTION. US MADE INTERVENTION. END SUMMARY.

1. MEXICO DELOFF STATED IF KENYA'S DRAFT ARTICLES WOULD BE REVISED IN LIGHT AA RES THEN WG WOULD BE UNABLE, (UNTIL REVISIONS COMPLETED), TO PROGRESS ON WORK MERGING KENYA ARTICLES WITH MEXICO-COLOMBIA-VENEZUELA (M-C-V) ARTICLES ON ECONOMIC ZONE AND TERRITORIAL SEA. KENYA REPLIED THERE WERE NO FUNDAMENTAL DIFFERENCES BETWEEN AA RES AND KENYA DRAFT. MEASUREMENT OF ECONOMIC ZONE SHOULD NOT EXCEED 200 MILES MEASURED FROM BASELINES ESTABLISHING TERRITORIAL SEAS AND ZONE SUBSUMES CONTINENTAL SHELF WHICH IS NOT MENTIONED IN AA RES. KENYA DELOFF POINTED OUT ERROR IN AA RES (PARA 21) WHICH REFERS TO PARA 1 OF RES. THIS ORIGINAL PARA 1 WAS SUBSEQUENTLY DELETED BY OAU MINISTERS.

2. AUSTRALIA DELOFF EXPRESSED PREFERENCE FOR TERM ECONOMIC ZONE  
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OVER PATRIMONIAL SEA AND THEN DISCUSSED ARTICLES 4, 5, 6, 7 OF

M-C-V DRAFT IN GENERAL TERMS. IN PARTICULAR, HE CITED NEED FOR REDRAFTING TO CLEARLY DEFINE TERMS USED. RE SCOPE OF ECONOMIC ZONE IN AA RES, DELOFF CITED NEED TAKE INTO ACCOUNT RIGHTS OF STATES HAVING CONTINENTAL MARGINS EXTENDING BEYOND 200 MILES. THEY SHOULD NOT BE REQUIRED TO RENOUNCE RIGHTS EXERCISED UNDER EXISTING INTERNATIONAL LAW. NIGERIA LATER NOTED NEED TO FIND FORMULA TO ACCOMMODATE STATES WITH THIS SITUATION.

3. AUSTRALIA DELOFF ANNOUNCED THEIR OWN WORK IN PROGRESS ON DRAFTING ARTICLES IN CONSULTATION WITH QTE OTHER DELEGATIONS. UNQTE SENEGAL, VENEZUELA, MEXICO OFFERED WORK WITH AUSTRALIA TO NARROW OR ELIMINATE DIFFERENCES IN THREE TEXTS. COLOMBIA, VENEZUELA, MEXICO, 3 AFRICAN STATES, AUSTRALIA, AND PERHAPS 2 STATES SELECTED BY AUSTRALIA, WILL MEET OVER WEEKEND TO PRODUCE EITHER JOINT DOCUMENT OR ALTERNATE TEXTS TO BE USED BY WG AT NEXT MEETING, 9 JULY.

4. URUGUAY DELOFF NOTED CONTINENTAL SHELF DEFINED BY INTERNATIONAL LAW BUT NOT ECONOMIC ZONE. THRUST WG ATTENTION SHOULD BE DIRECTED AT (A) CONTINENTAL SHELF, (B) LIMITS OF CONTINENTAL SHELF, AND (C) RIGHTS AND NATURE OF RIGHTS OF STATES ON CONTINENTAL SHELF.

5. TANZANIA DELOFF NOTED LACK OF AFRICAN REPRESENTATION AT EARLIER LOS CONFS. PRIMARY FOCUS OF AA RES WAS TAKE INTO ACCOUNT ECONOMIC INTERESTS OF COASTAL STATES. SINCE QTE CONTINENTAL SHELF UNQTE AND QTE ECONOMIC ZONE UNQTE BOTH DEAL WITH ECONOMIC INTERESTS FORMER TERM WAS ABANDONED IN FAVOR OF LATTER WHICH INCLUDES ALL LIVING AND NON-LIVING RESOURCES BELOW, ON AND ABOVE BOTTOM IN ZONE. WHAT WAS SOUGHT WAS BALANCE OF RIGHTS OF INTERNATIONAL COMMUNITY AND RIGHTS OF COASTAL STATE, AND LIMITING ZONE BY DEPTH WAS NOT CONSIDERED BE IN INTEREST INTERNATIONAL COMMUNITY.

6. LEBANON DELOFF STATED AA RES REFS TO EXERCISE OF SOVEREIGNTY IN EXCLUSIVE ECONOMIC ZONE WOULD INCLUDE EXERCISING POLICE POWERS AND THEREFORE MAKES TERM TERRITORIAL SEA MEANINGLESS. TURKEY DELOFF AGREED AND CITED 1958 CONVENTION WHICH SPECIFIED LIMITATION OF EXERCISE OF SOVEREIGN RIGHTS TO EXPLORATION AND EXPLOITATION AND PRECLUDES ALL ENFORCEMENT MEASURES.

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7. NIGERIA DELOFF REPLIED ECONOMIC ZONE IS NEW CONCEPT AND AREA IS STILL HIGH SEAS AS PRESENTLY DEFINED. FREEDOM OF NAVIGATION, OVERFLIGHT AND CABLELAYING STILL GUARANTEED. SENEGAL DELOFF REPEATED THIS VIEW AND CITED AA RES AS PRIMARILY DOCUMENT OF POLITICAL INTENT WHICH REQUIRED LEGAL QTE POLISHING UNQTE AND DEFINITION OF TERMS.

8 US (STEVENSON) INTERVENED BRIEFLY ON COASTAL STATE SEABED RESOURCES JURISDICTION. HE NOTED DESIRE OF MAJORITY OF STATES FOR BROAD JURISDICTION OVER SEABED RESOURCES. HE REFERRED TO AUGUST 10, 1972, US STATEMENT ON RESOURCES, BRIEFLY REPEATED HEADINGS OF STANDARDS IN THAT SPEECH, AND STATED MAIN POINT OF STATEMENT WAS SATISFACTORY RESOLUTION OF QUESTION OF INTERNATIONAL STANDARDS CAN BE KEY TO ACHIEVING WIDESPREAD AGREEMENT BETWEEN COASTAL STATES AND OTHERS BY PROTECTING INTERESTS OF OTHER STATES AND INTERNATIONAL COMMUNITY. HE SAID US SHARES MANY OF DIFFERENT INTERESTS THAT SHOULD BE HARMONIZED. HE EXPRESSED HOPE OTHER DELS WOULD ADDRESS QUESTION OF INTERNATIONAL STANDARDS AND ADDED IF THIS AND OTHER LOS ISSUES WERE SATISFACTORILY RESOLVED, THERE CAN AND WILL BE WIDESPREAD AGREEMENT AT CONF ON COASTAL STATE JURISDICTION OVER SEABED RESOURCES IN VERY BROAD AREA.BASSIN

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